

CCRB INVESTIGATIVE RECOMMENDATION

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|--|--|--|---|---|---------------------------------|
| Investigator: Christopher Mills | Team: Team # 3 | CCRB Case #: 201300352 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 03/27/2012 4:00 PM | Location of Incident: 34th Precinct Stationhouse | Precinct: 34 | 18 Mo. SOL 9/27/2013 | EO SOL 9/27/2013 | |
| Date/Time CV Reported Tue, 01/08/2013 4:37 PM | CV Reported At: CCRB | How CV Reported: Call Processing System | Date/Time Received at CCRB Tue, 01/08/2013 4:37 PM | | |
| Complainant/Victim | Type | Home Address | | | |
| | | | | | |
| Subject Officer(s) | Shield | TaxID | Command | | |
| 1. SGT Majer Saleh | 02402 | 929110 | 034 PCT | | |
| Witness Officer(s) | Shield No | Tax No | Cmd Name | | |
| 1. POM Harold Bajana | 08828 | 934443 | 041 PCT | | |
| Officer(s) | Allegation | | | Investigator Recommendation | |
| A.SGT Majer Saleh | Discourtesy: Sgt. Majer Saleh spoke rudely to § 87(2)(b) | | | | |

Case Summary

§ 87(2)(b) filed this complaint with the CCRB, via the CCRB call processing system, on January 8, 2013.

At approximately 4 p.m. on March 27, 2012, § 87(2)(b) went to the 34th Precinct stationhouse, in Manhattan, to inquire about reopening a petty larceny investigation. The following allegations resulted:

- **Allegation A—Discourtesy: Sergeant Majer Saleh spoke rudely to** § 87(2)(b)

§ 87(2)(g)

On January 15 and 29, 2013, during his phone and CCRB statements, mediation was presented to § 87(2)(b) who rejected it § 87(2)(b).

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. He is a 6'10" tall, 200-pound, white, male, with grey hair and brown eyes. § 87(2)(b)

CCRB Testimony

§ 87(2)(b) provided a phone statement on January 15, 2013, (encl. 4a) and a sworn statement at the CCRB on January 29, 2013 (encl. 4b-4k). § 87(2)(b) was not cooperative during his CCRB statement and refused to answer some of the investigators' questions, § 87(2)(g). His statements are summarized below.

On March 27, 2012, at around 4:00 p.m. § 87(2)(b) entered the 34th Precinct stationhouse, in order to request that a petty larceny investigation involving an antique pipe be reopened. He first approached an officer, identified by the investigation as PO Harold Bajana of the 34th Precinct. § 87(2)(b) identified himself as § 87(2)(b) and explained why he was there.

At some point, PO Bajana wrote on a piece of paper, and § 87(2)(b) demanded to see the paper, but PO Bajana would not let him see it, telling § 87(2)(b) that if he continued to attempt to see the paper, he would close the investigation that § 87(2)(b) wanted to be reopened. He then told § 87(2)(b) to sit down and wait. § 87(2)(b) sat down and waited, for approximately an hour, during which time he observed PO Bajana speaking with Sgt. Majer Saleh, of the 73rd Precinct, who § 87(2)(b) identified from his nameplate. Sgt. Saleh and PO Bajana spoke several times, and Sgt. Saleh went up and down stairs, which lead § 87(2)(b) to believe that officers were plotting against him.

Eventually, Sgt. Saleh approached § 87(2)(b) and asked him to come with him to another room. § 87(2)(b) followed Sgt. Saleh into the room, which was furnished with chairs and vending machines. There were no other people in the room. Sgt. Saleh then asked § 87(2)(b) whether he had proof that the stolen pipe was his, and § 87(2)(b) said that he did. He presented a blurry photo of a man in a suit (encl. 4h) to Sgt. Saleh. Sgt. Saleh pointed out that the photo did not look like § 87(2)(b) to which § 87(2)(b) replied that it was a photo of him in 1977. Sgt. Saleh asked him to provide evidence of the stolen pipe's worth. When § 87(2)(b) did not have any evidence, Sgt. Saleh explained how he could get the pipe appraised and get the investigation reopened. § 87(2)(b) responded that he wanted justice.

During this part of the conversation, § 87(2)(b) was calm, § 87(2)(b) whereas Sgt. Saleh was rude and called him a liar. Sgt. Saleh called § 87(2)(b) a “son of a bitch” and a “bastard.” Sgt. Saleh asked § 87(2)(b) if he was looking at his badge, then held it up for § 87(2)(b)’s inspection. In his initial complaint, filed with the CCRB on January 8, 2013, § 87(2)(b) alleged that Sgt. Saleh had called him a “fucking liar” who was “full of shit.” However, during his January 15, 2013 phone statement, and January 29, 2013 sworn statement at the CCRB, he alleged instead that Sgt. Saleh called him a “lying bastard” and a “son of a bitch.” § 87(2)(b) made these allegations only after stating that he could not remember what was said. He also only made these allegations after stating that he was mainly upset that a petty larceny investigation would not be reopened, and was told that the CCRB would not investigate Sgt. Saleh for not opening his investigation.

§ 87(2)(b) responded to Sgt. Saleh by talking about his career in the NYPD and telling him that his behavior was uncalled for and was disrespectful. During his CCRB statement, § 87(2)(b) added that he “was being verbally masturbated” by Sgt. Saleh. Sgt. Saleh then told § 87(2)(b) that there was nothing the NYPD could do for him at the moment. He then approached § 87(2)(b) again and told him that he should call back in two days. § 87(2)(b) then left the stationhouse.

NYPD Statement:

Subject Officer: SERGEANT MAJER SALEH

- *Sergeant Majer Saleh is a 5’8” tall, 215 pound, blue eyed, bald, white male who was § 87(2)(b) years old at the time of the incident.*
- *On March 27, 2013, Sergeant Majer Saleh worked from 2:40 p.m. to 11:47 p.m. as the 34th Precinct stationhouse desk sergeant. He was in uniform. Because he was the desk sergeant, he did not have a partner or vehicle, and did not make any entries in his memo book (encl. 5a-5b) regarding the incident.*

CCRB Testimony

Sgt. Majer Saleh was interviewed at the CCRB on March 11, 2013. His statement is summarized below.

Sgt. Saleh did not recall the incident interacting with § 87(2)(b) at all. In order to assist Sgt. Saleh in remembering the incident, investigators showed him the complainant’s driver’s license photograph, as well as the photo that § 87(2)(b) had shown Sgt. Saleh during the incident. Sgt. Saleh was prompted with details of the incident, but continued to testify that he could not recall the incident at all.

Sgt. Saleh also testified that he did not recall using or calling anyone the following phrases: “liar,” “son of a bitch,” “bastard,” and “full of shit.” He did not recall using any profanity or hearing anyone else do so.

NYPD Document

Incident Information Slip

- § 87(2)(b) provided an incident information slip, signed by PO Bajana of the 34th Precinct, and dated March 27, 2012 (encl. 4j).

Status of Civil Proceedings

- § 87(2)(b) had not filed a Notice of Claim with the City of New York as of April 9, 2013, which was 94 days past the filing deadline, with regard to the incident (encl. 12).

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Civilian CCRB History

- This is the first CCRB complaint filed by [§ 87(2)(b)] (encl. 2).

Subject Officer CCRB History

- Sgt. Saleh has been a member of the service for 11 years and there are no substantiated CCRB allegations against him (encl. 1a-1b).

Conclusion

Identification of Subject Officer

[§ 87(2)(b)] stated that the subject officer in his complaint was a 34th Precinct desk sergeant named “Salem,” identified by his shield. [§ 87(2)(b)] described the subject officer as a 6’6” to 5’11” tall, bald male with a shaved head who was under 40 years old. [§ 87(2)(g)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Investigative Findings and Recommendations

Allegation A—Discourtesy: Sergeant Majer Saleh spoke rudely to [§ 87(2)(b)]

[§ 87(2)(g)] [§ 87(2)(b)] alleged that Sgt. Saleh called him a “son of a bitch” and a “bastard.” Sgt. Saleh did not recall the incident and did not recall making those statements.

The alleged misconduct occurred in an empty room and there were no witnesses.

[§ 87(2)(g)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date